

Coughlan, Laura

From: Kreisler, Eva
Sent: Tuesday, January 09, 2018 10:57 AM
To: Coughlan, Laura; Tatum, Jana; Newman, Alan
Subject: RE: Approval of Importation of Waste - EVOA Notification NL608171

Hi Alan,

2017 notices are currently CBI and should not be released to the public. Notices dated 2016 and earlier are releasable to the public.

I am currently working on an FR notice which, after public comment period, will result in all 2017 RCRA import/export documents (including notices) no longer being considered CBI at which point they will be releasable to the public. And, good news, after June 26, 2018, when the Confidentiality Rule becomes effective, all RCRA imports/exports documents will no longer be considered CBI and I will no longer have to issue my annual FR notice on the topic.

Regards,

Eva H. Kreisler, Attorney-Advisor
International Compliance Assurance Division
Office (202) 564-8186
kreisler.eva@epa.gov

***Have a question about your notice after looking in WIETS at <https://cfext.epa.gov/wiets/>? Still confused about requirements after checking <https://www.epa.gov/hwgenerators/basic-information-resource-conservation-and-recovery-act-rcra-export-and-import>? Email RCRAnotifications@epa.gov ***

Address:
Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW.
Washington, DC 20460

Help EPA fight pollution by reporting environmental violations on EPA's website at <http://www.epa.gov/compliance/complaints/index.html>

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From: Newman, Alan
Sent: Tuesday, January 09, 2018 10:32 AM
To: Kreisler, Eva <Kreisler.Eva@epa.gov>; Coughlan, Laura <Coughlan.Laura@epa.gov>; Tatum, Jana <Tatum.Jana@epa.gov>
Subject: FW: Approval of Importation of Waste - EVOA Notification NL608171

Are import/export notices confidential business information? Or public information?

Thanks.

Alan Newman
Kentucky and Tennessee State Coordinator
Import/Export Contact for Region 4
Hazardous Waste Enforcement and Compliance Section
Environmental Protection Agency
61 Forsyth Street
Atlanta, Georgia 30303
(404) 562 – 8589
newman.alan@epa.gov

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From: Jones, Aaryn
Sent: Tuesday, January 09, 2018 10:16 AM
To: Coughlan, Laura <Coughlan.Laura@epa.gov>; Newman, Alan <Newman.Alan@epa.gov>
Subject: FW: Approval of Importation of Waste - EVOA Notification NL608171

Hi Laura,

Our regional TSCA folks would like to confirm this is not CBI (RCRA or TSCA). Thanks!

Aaryn Jones
Environmental Scientist
U.S. Environmental Protection Agency
61 Forsyth St, S.W.
Atlanta, GA 30303
(404) 562-8969
jones.aaryn@epa.gov

From: Newman, Alan

Sent: Monday, January 08, 2018 2:15 PM

To: Coughlan, Laura <Coughlan.Laura@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>; Newman, Alan <Newman.Alan@epa.gov>

Cc: Shaw, Jean <Shaw.Jean@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>; Shaw, Jean <Shaw.Jean@epa.gov>; Tatum, Jana <Tatum.Jana@epa.gov>; Helms, Greg <Helms.Greg@epa.gov>; Fagnant, Daniel <fagnant.daniel@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>

Subject: FW: Approval of Importation of Waste - EVOA Notification NL608171

FYI

This email came earlier today.

From: Johnson, Michael E [<mailto:MICHAEL.E.JOHNSON@chemours.com>]

Sent: Monday, January 08, 2018 10:57 AM

To: Newman, Alan <Newman.Alan@epa.gov>

Cc: Shaw, Jean <Shaw.Jean@epa.gov>; Movius, Richard D <RICHARD-D-RICK.MOVIUS@chemours.com>; Maisch, John J <John.J.Maisch@chemours.com>; Compton, Christel E <CHRISTEL.E.COMPTON@chemours.com>

Subject: RE: Approval of Importation of Waste - EVOA Notification NL608171

Mr. Newman:

The Dutch exporter who handles the EVOA permits has indicated that they didn't receive the EPA approval for the subject importation.

Would you please ask your HQ contact to resend their December 7, 2017, notice to the two below email addresses?

EVOA@ILent.nl

tfs@indaver.be

You were correct in your below email that the email address to Rick Movius has changed. His correct email is:

RICHARD-D-RICK.MOVIUS@CHEMOURS.COM

Thank you for your assistance.

Mike

Michael E. Johnson, PE
SHE Senior Consultant
Chemours Company – Fayetteville Works
(910) 678-1155



The Chemours Company FC, LLC
22828 NC Highway 87 W
Fayetteville, NC 28306-7332

From: Newman, Alan [<mailto:Newman.Alan@epa.gov>]
Sent: Friday, January 05, 2018 9:46 AM
To: Johnson, Michael E <MICHAEL.E.JOHNSON@chemours.com>
Cc: Shaw, Jean <Shaw.Jean@epa.gov>; Movius, Richard D <RICHARD-D-RICK.MOVIUS@chemours.com>; Maisch, John J <John.J.Maisch@chemours.com>; Compton, Christel E <CHRISTEL.E.COMPTON@chemours.com>
Subject: RE: Approval of Importation of Waste - EVOA Notification NL608171

Mr. Johnson,

The referenced notice below was consented to by the Region (Alan Newman) on December 1, 2017. HQ consented to the notice on December 7, 2017.

The documentation I have says that the receiving TSDF (The Chemours) and the foreign country were notified on December 7, 2017.

The amount consented to was 90 MT of "FLUORINE CONTAINING SURFACTANT FRD-902 NL".

The notice was sent to "RICK.MOVIUS@DUPONT.COM" (this may be the issue).

It appears that Rick's email may have changed when the company changed hands.

Alan Newman
Kentucky and Tennessee State Coordinator
Import/Export Contact for Region 4
Hazardous Waste Enforcement and Compliance Section
Environmental Protection Agency
61 Forsyth Street
Atlanta, Georgia 30303
(404) 562 – 8589
newman.alan@epa.gov

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From: Johnson, Michael E [<mailto:MICHAEL.E.JOHNSON@chemours.com>]
Sent: Tuesday, January 02, 2018 11:04 AM
To: Newman, Alan <Newman.Alan@epa.gov>
Cc: Shaw, Jean <Shaw.Jean@epa.gov>; Movius, Richard D <RICHARD-D-RICK.MOVIUS@chemours.com>; Maisch, John J <John.J.Maisch@chemours.com>; Compton, Christel E <CHRISTEL.E.COMPTON@chemours.com>
Subject: RE: Approval of Importation of Waste - EVOA Notification NL608171

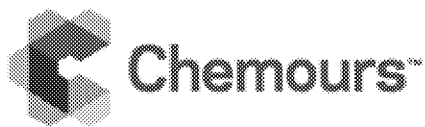
Mr. Newman:

Do you know the approval status of the referenced EVOA notification?

Thank you for your assistance with this.

Mike

Michael E. Johnson, PE
SHE Senior Consultant
Chemours Company – Fayetteville Works
(910) 678-1155



The Chemours Company FC, LLC
22828 NC Highway 87 W
Fayetteville, NC 28306-7332

From: Newman, Alan [<mailto:Newman.Alan@epa.gov>]
Sent: Friday, December 01, 2017 12:55 PM
To: Johnson, Michael E <MICHAEL.E.JOHNSON@chemours.com>
Cc: Shaw, Jean <Shaw.Jean@epa.gov>; Movius, Richard D <RICHARD-D-RICK.MOVIUS@chemours.com>; Maisch, John J <John.J.Maisch@chemours.com>; Compton, Christel E <CHRISTEL.E.COMPTON@chemours.com>
Subject: RE: Approval of Importation of Waste - EVOA Notification NL608171

Thanks Mike for the reminder,

Let's chalk this up to another senior moment on my part for failure to remember your previous emails.

I sent your request along to HQ today.

Alan Newman
Kentucky and Tennessee State Coordinator
Import/Export Contact for Region 4
Hazardous Waste Enforcement and Compliance Section
Environmental Protection Agency
61 Forsyth Street
Atlanta, Georgia 30303
(404) 562 – 8589
newman.alan@epa.gov

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From: Johnson, Michael E [<mailto:MICHAEL.E.JOHNSON@chemours.com>]
Sent: Thursday, November 30, 2017 8:47 AM
To: Newman, Alan <Newman.Alan@epa.gov>
Cc: Shaw, Jean <Shaw.Jean@epa.gov>; Movius, Richard D <RICHARD-D-RICK.MOVIUS@chemours.com>; Maisch, John J <John.J.Maisch@chemours.com>; Compton, Christel E <CHRISTEL.E.COMPTON@chemours.com>
Subject: Approval of Importation of Waste - EVOA Notification NL608171

Mr. Newman:

This email is a follow-up to the telephone voice message you left Rick Movius earlier this week. Hopefully this email will answer your questions.

The Chemours Company's wishes to export spent FRD-902 (ammonium or potassium salt of perfluorinated ether carbonic acid) from the Chemours Dordrecht Netherlands facility to the Chemours Company – Fayetteville, North Carolina facility for reclamation. The export/import is being processed by the Dutch authority under EVOA Notification NL608171.

Please note that in 2015, the owner/operator of this facility changed from the DuPont Company to The Chemours Company.

This is the same importation that you approved in both December 2015 and August 2016.

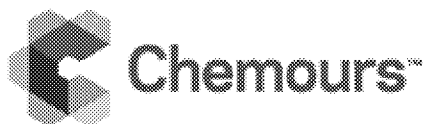
Attached is the March 2014 email to Stanley Tam that resolved the importation issue with this spent product from The Netherlands.

If you have any questions regarding this EVOA Notification (NL608171), you can contact Rick Movius at 910-678-1515 or John Maisch at 910-678-1597, or email them at their respective addresses (both are cc'd on this email).

Thank you for your assistance with this request.

Mike

Michael E. Johnson, PE
SHE Senior Consultant
Chemours Company – Fayetteville Works
(910) 678-1155



The Chemours Company FC, LLC
22828 NC Highway 87 W
Fayetteville, NC 28306-7332

From: Johnson, Michael E
Sent: Tuesday, March 11, 2014 10:40 AM
To: tam.stanley@epa.gov
Subject: Notice of Objection (EPA Notice ID: 008812/11/14) of Foreign Notice ID: NL 603282

VIA EMAIL

March 11, 2014

Mr. Stanley Tam
Regional Coordinator
USEPA Region 4

SUBJECT: Notice of Objection (EPA Notice ID: 008812/11/14) of Foreign Notice ID: NL 603282

Dear Mr. Tam:

Thank you for discussing the subject Notice of Objection regarding the DuPont Company's intent to export spent FRD-902 (ammonium or potassium salt of perfluorinated ether carbonic acid) from the DuPont Dordrecht Netherlands facility to the DuPont Company – Fayetteville, North Carolina facility for reclamation.

As background, FRD-902 is a surfactant that is used as a processing aid in the production of fluoropolymers, and as such is not consumed in the process. The FRD-902 is separated from the finished product and recovered as a side stream from the process. As a result of its use, the recovered FRD-902 no longer meets the acceptable water content specification and there is also an undesired collection of organic salts from the process, which results in the surfactant no longer performing satisfactorily as a direct recycle stream back into the polymerization process.

The high value of the FRD-902 makes it economically imperative to reclaim this surfactant. There is also the environmental benefit from recycling a material versus the disposal of that material. The spent FRD-902 is to be reclaimed at the DuPont Company – Fayetteville, North Carolina facility where the unwanted salts are removed and the water content level is returned to within the finished product specification.

EPA has indicated that its objection to the requested importation of the spent FRD-902 for reclamation is that the DuPont Company – Fayetteville, North Carolina facility is not authorized to receive a hazardous waste or hazardous recyclable material from off-site.

The issue at hand is the pronounced differences in the definition of a hazardous waste under the European Union's Waste Management Act of 1996 and the definition of a hazardous waste under 40 CFR Part 261, as is described below.

The spent FRD-902 has been given the European Waste List code 070201*. The "0702" category is for "wastes from the manufacture, formulation, supply and use of plastics, synthetic rubber and man-made fibers". The "070201" subcategory is for "aqueous washing liquids and mother liquors" and the "*" means that subcategory is considered hazardous under the EU's Waste Management Act.

While the spent FRD-902 does meet the broad definition of a hazardous waste under the European Union's regulations, this material does not meet the definition of a hazardous waste under 40 CFR Part 261 as is demonstrated below.

Since the spent FRD-902 is a "spent material" that is being reclaimed, it meets the definition of a "solid waste" under 40 CFR 261.2(c)(3).

On 09-18-2013 a sample of the spent FRD-902 was submitted to a commercial laboratory for analysis of the RCRA hazardous characteristics. The results from this analysis are attached and are explained in the following:

- The spent FRD-902 had no observed flashpoint, therefore the material is not characteristically hazardous for ignitability.
- The pH of the spent FRD-902 was 3.3 SU, therefore the material is not characteristically hazardous for corrosivity.
- All forty of the toxicity characteristic contaminants were less than their maximum concentrations as listed in Table 1 of 40 CFR 261.24(b). Therefore the material is not characteristically hazardous for toxicity.

Since the spent FRD-902 is a water based product, it cannot undergo any reactions with water. The surfactant is stable; it contains neither cyanides nor sulfides; and it is not capable of detonation or explosive reaction. Therefore the material is not characteristically hazardous for reactivity.

The spent FRD-902 is not one of the "F" listed hazardous wastes from non-specific sources per 40 CFR 261.31(a).

The spent FRD-902 is not one of the "K" listed hazardous wastes specific sources per 40 CFR 261.32(a).

The spent FRD-902 is not one of the "P" or "U" listed commercial chemical products or manufacturing chemical intermediates per 40 CFR 261.33(e) and 33(f) respectively.

In conclusion, since the spent FRD-902 is neither a characteristic hazardous waste nor a listed hazardous waste, it is therefore classified as a non-hazardous waste. The DuPont Company – Fayetteville, North Carolina facility is not prohibited from receiving a non-hazardous waste or non-hazardous recyclable material from off-site.

Therefore, DuPont respectfully requests that EPA rescind the subject Notice of Objection as quickly as possible so that the needed import permits can be issued and the reclamation of the spent FRD-902 can begin.

If you have any questions regarding this matter, please let me know.

Sincerely,

Michael E. Johnson
Environmental Manager
DuPont Company – Fayetteville Works
(910) 678-1155

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